

RESOLUTION

AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO ENTER INTO AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR THE REDUCTION AND CONTROL OF FERAL ANIMALS AT THE HONOLULU BOTANICAL GARDENS SYSTEM.

WHEREAS, in accordance with Section 1-8.2, Revised Ordinances of Honolulu, 1990, as amended, any intergovernmental agreement or amendment thereof which places an obligation on City or any department or agency thereof requires the prior consent and approval of the City Council; and

WHEREAS, Section 103D-102(b)(3) of the Hawaii Revised Statutes, exempts contracts between governmental bodies, including the federal government from the requirements of Hawaii Revised Statutes Chapter 103D, the Hawaii Public Procurement Code; and

WHEREAS, Resolution 09-311, adopted on November 18, 2009, authorized the execution of an intergovernmental agreement ("Agreement") between the City and the United States Department of Agriculture ("USDA") for the reduction and control of feral animals at the Honolulu Botanical Gardens System for a period not to exceed five years on a cost reimbursement basis, contingent upon the need for the continued services and funding availability; and

WHEREAS, the Agreement provides that the USDA would formulate a program work plan and associated budget for the provision of wildlife damage management services on an annual basis; and

WHEREAS, Resolution 09-311 approved the work plan and associated budget for the period from October 1, 2009 through September 30, 2010 proposed by the USDA; and

WHEREAS, the Department of Parks and Recreation ("DPR") desires to continue the reduction and control program with the USDA to prevent the continued expansion of the feral animal population at Honolulu Botanical Gardens; and

WHEREAS, the USDA has formulated a work/financial plan for the provision of wildlife damage management services for the period from October 1, 2010 to September 30, 2011, which is attached hereto as Exhibit A and by reference made a part of this Resolution; and



RESOLUTION

WHEREAS, the DPR is prepared to reimburse the USDA for expenses incurred from the date of approval by the City Council to September 30, 2011, in an amount not to exceed FORTY SEVEN THOUSAND SEVEN HUNDRED NINETY FOUR AND NO/100 DOLLARS (\$47,794.00); now therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Council consent to and approve the proposed Work/Financial attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED that the Director of Parks and Recreation or the Director's duly authorized representative be hereby authorized to:

1. Execute the Work/Financial Plan with the USDA in substantially the same form as the proposed agreement attached hereto as Exhibit A; and
2. Execute any incidental or related agreement and documents in furtherance of the agreement; and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 11-10

RESOLUTION

BE IT FINALLY RESOLVED that the Clerk be, and is hereby directed to forward copies of this Resolution to the Director of Parks and Recreation, City and County of Honolulu and the Director of the Western Region of the Animal and Plant Health Inspection Service, Animal Damage Control Section, United States Department of Agriculture, 3375 Koapaka Street, Suite H-420, Honolulu, Hawaii 96819.

INTRODUCED BY:

Breene Smith

(br)

Councilmembers

DATE OF INTRODUCTION:

JAN 13 2011

Honolulu, Hawaii

EXHIBIT A

11-73-15-6069-RA
173-7315-049

WORK/FINANCIAL PLAN
between
CITY AND COUNTY OF HONOLULU
DEPARTMENT OF PARKS AND RECREATION
and
U.S. DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
WILDLIFE SERVICES

COOPERATOR ADDRESS	City and County of Honolulu, Department of Parks and Recreation 1000 Uluohia Street, Suite 309, Kapolei, HI 96707
COOPERATIVE CONTACT	Lester K. C. Chang, Acting Director – Department of Parks and Recreation Phone: (808) 768-3001 Fax: (808) 768-3053 Email: lchang@honolulu.gov
FISCAL CONTACT	Terri Koike, Administrative Specialist Phone: (808) 971-7161 Fax: (808) 550-6983 Mobile: (808) 228-5993 Email: tkoike@honolulu.gov
SUPERVISORY SITE CONTACT	Derrick Miyasaki, Park Grounds Improvement Supervisor II Phone: (808) 522-7053 Fax: (808) 522-7050 Mobile: (808) 554-3205 Email: dmiyasaki@honolulu.gov
SITE CONTACT (Ho'omaluhia Botanical Garden)	Jonel Smith, Botanical Garden Supervisor Phone: (808) 233-7325 Fax: (808) 233-7326 Mobile: (808) 721-3143 Email: jsmith1@honolulu.gov
SITE CONTACT (Foster/ Liliuokalani Botanical Garden)	Romel Silva, T/A Botanical Garden Supervisor Phone: (808) 522-7060 Fax: (808) 522-7050 Mobile: (808) 542-5478 Email: rsilva1@honolulu.gov
SITE CONTACT (Wahiawa Botanical Garden)	Erin Purple, Botanical Garden Supervisor Phone: (808) 621-7321 Fax: (808) 621-7321 Mobile: (808) 590-0906 Email: epurple@honolulu.gov
SITE CONTACT (Koko Crater Botanical Garden)	Robin Sunio, Nursery Worker II Fax: (808) 522-7050; Mobile: (808) 721-3143
FEDERAL TAX IDENTIFICATION NUMBER	99-6001257
COOPERATIVE AGREEMENT NUMBER	11-73-15-6069-RA
ACCOUNT NUMBER	173-7315-049
LOCATION	Ho'omaluhia Botanical Garden, Kaneohe, Oahu, Hawaii Wahiawa Botanical Garden, Wahiawa, Oahu, Hawaii Koko Crater Botanical Garden, Honolulu, Oahu, Hawaii Foster Botanical Garden, Honolulu, Oahu, Hawaii Liliuokalani Botanical Garden, Honolulu, Oahu, Hawaii
AGREEMENT PERIOD	October 1, 2010 to September 30, 2011

Pursuant to Cooperative Service Agreement No. 11-73-15-6069-RA between the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services (APHIS-WS) and the City and County of Honolulu, Department of Parks and Recreation (DPR), this Work/Financial Plan defines the objectives, plan of action, and budget for the Wildlife Services program to be conducted during FY 2011.

I. OBJECTIVES/GOALS

To suppress the number nuisance free-ranging/feral pigs, chickens, peafowl and other nuisance and invasive avian species at the various botanical gardens within the City and County of Honolulu's Honolulu Botanical Gardens system on the island of Oahu to a more tolerable level. Feral pigs and various invasive avian species are damaging valuable plant outcroppings, digging up turf and posing human health and safety threats to visitors and employees of the Gardens.

II. PLAN OF ACTION

APHIS-WS will provide one (1) Wildlife Specialist to conduct wildlife damage management operations up to thirty eight (38) hours for a given two week pay period (14 calendar days, Sunday through Saturday), excluding federal holidays and Sundays. This work schedule will allow APHIS-WS to monitor traps and snaring devices at least every 48 hours for animal welfare reasons. APHIS-WS will coordinate all wildlife damage management activities with the designated Botanical Gardens' staff, and take into consideration hours of operation of the Gardens to minimize impacts on visitors and staff.

Primary methodology for feral pig removal will be corral trapping, non-lethal leg snaring, and lethal neck snaring. All feral pigs that are captured using non-lethal control methods will be dispatched at close range using suppressed rimfire rifles and/or shotguns with buckshot. Alternate control methods such as night shooting and the use of trained pig hunting dogs will be utilized pending the concurrence and approval of the Director of the Honolulu Botanical Gardens (Winifred Singee) or her designee(s).

Primary methodology for free-ranging/feral chickens, peafowl and other invasive avian species will be cage trapping, netting and shooting. Shooting operations will involve high-powered pellet air rifles, suppressed rimfire rifles, or both.

All wildlife carcasses will be taken offsite for deep burial at an approved landfill. All APHIS-WS personnel will follow WS Directive 2.510 which prohibits benefiting personally from any animal(s), whole or in part, taken while conducting official duties. Blood and/or tissue samples will be taken from captured feral pigs and delivered to the State of Hawaii's Department of Agriculture laboratory for zoonotic disease monitoring programs.

III: REPORTS

APHIS-WS will be responsible for the preparation of periodic reports as specified in the Cooperative Service Agreement.

IV: STIPULATIONS AND RESTRICTIONS

- a. All operations shall have the joint concurrence of APHIS-WS and the DPR and shall be under the direct supervision of APHIS-WS. APHIS-WS will conduct the program in accordance with its established operating policies and all applicable state and federal laws and regulations.

- b. Control on Public Lands: An Agreement for Control of Animal Damage on Non-Private Property (ADC Form 12C) or an appropriate NEPA document will be executed between APHIS-WS and the public land administrator(s)/manager(s) before any APHIS-WS work is conducted.
- c. The performance of WDM actions by APHIS-WS under this agreement is contingent upon a determination by APHIS-WS that such actions are in compliance with the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), and any other applicable environmental statutes. APHIS-WS will not make a final decision to conduct the requested WDM actions until it has made the determination of such compliance.
- d. APHIS-WS will use only APHIS-WS employees and APHIS Volunteer Program participants. All APHIS-WS employees and APHIS volunteers have successfully met APHIS firearm safety standards and have received official APHIS-WS certifications. Certificates are available upon request.
- e. In accordance with Federal Governing Regulations (OPM Reg. 4610), federal employees, other than those on intermittent (on-call) status, are entitled to and accrue annual and sick leave on a bi-weekly basis. Therefore, there may be times when coverage on this project may be minimal to none as employees elect to use accrued leave.
- f. DPR will be responsible for granting APHIS-WS employee(s) after hour access to the botanical gardens in the event animal(s) will have to be removed from snares/traps for animal welfare and/or human sociological issues. All associated gate keys and/or contact numbers for on-call DPR staff will be furnished.
- g. DPR will provide ground support vehicles (golf carts, utility vehicles, etc.) to aid in equipment and personnel deployment.
- h. DPR will provide a space for a large chest freezer within the maintenance compound to store wildlife carcasses until such time the carcasses will be delivered to the appropriate landfill. This will minimize the need for travel to a landfill after every capture event.
- i. The program will be supervised by Homer Leong, Oahu Team Leader (808) 479-7927, overseen by Mark Ono, Program Wildlife Biologist, (808) 838-2845, and monitored by Mike E. Pitzler, III/GU/Pacific Islands State Director (808) 838-2841.

V. COST ESTIMATE FOR SERVICES

The cooperator will reimburse APHIS-WS for expenses incurred. Such costs include, but are not limited to, salary/benefits, vehicle use, supplies/equipment and administrative costs. An itemization of expenses are listed below, however, funds may be distributed between itemized categories at the discretion of APHIS-WS if required.

Category of Expenses	Costs
Salary/Benefits	\$40,454
Vehicle Use	\$4,340
Supplies	\$3,000
Equipment	\$0
TOTAL	\$47,794

NOTES:

In accordance with the Debt Collection Improvement Act (DCIA) OF 1996, bills issued quarterly by APHIS-WS are due and payable within 30 days of receipt.

No person in the United States shall, on the ground of race, color, national origin, sex, age, religion, political beliefs, or disability, be excluded from participation in, be denied benefits of, or otherwise subjected to discrimination under any program or activity for which the recipient receives Federal financial assistance. Not all prohibited bases apply to all programs.

VI. AUTHORIZATION

CITY AND COUNTY OF HONOLULU
DEPARTMENT OF PARKS AND RECREATION
1000 ULUOHIA STREET, SUITE 309
KAPOLEI, HI 96707

LESTER K.C. CHANG, Acting Director
Department of Parks and Recreation

Date

DEPARTMENT OF BUDGET AND FISCAL SERVICES

MICHAEL R. HANSEN, Acting Director

Date

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
WILDLIFE SERVICES



MIKE PITZ, P.R. State Director
HI/GU/Pacific Islands

Date

10/13/2010

JEFF GREEN, Director, Western Region

Date

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

RESOLUTION 11-10

Introduced: 01/13/11 By: BREENE HARIMOTO (BR)

Committee: PARKS AND HUMAN
SERVICES

Title: RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO ENTER INTO AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR THE REDUCTION AND CONTROL OF FERAL ANIMALS AT THE HONOLULU BOTANICAL GARDENS SYSTEM.

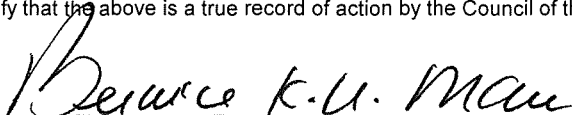
Links: RES11-10
CR-39


Voting Legend: Y= Aye, Y* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

NOTE: COUNCILMEMBER BERG TOOK OFFICE ON WEDNESDAY, JANUARY 19, 2011 FILLING THE VACANCY FOR DISTRICT I.

PARKS AND HUMAN SERVICES	02/08/11	CR-39 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.			
COUNCIL	02/23/11	CR-39 AND RESOLUTION 11-10 WERE ADOPTED.			
ANDERSON	Y	BERG	Y	CACHOLA	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y
				CHANG	Y
				MARTIN	Y
				GABBARD TAMAYO	Y

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


BERNICE K. N. MAU, CITY CLERK


NESTOR R. GARCIA, CHAIR AND PRESIDING OFFICER